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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/031,375

05/21/2002

William H Hohenstein

55178-015

9477

38473

7590

06/10/2004

ELMORE CRAIG, P.C.

209 MAIN STREET

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EXAMINER

MISKA, VIT W

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,375

Applicant(s)

HOHENSTEIN ET AL.

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 13.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the new patent cited to Harrison in view of Fisk. The reference discloses a time indicating device including base 1, motor mechanism 10 attached to the base, cylindrical concentric band 31 characterized by time increments, surrounding the motor mechanism and can be viewed from an external sidewall of the band, platform 34 on top of the band with decorative object 37 attached thereto.

2. Platform 34 is rotatable with member 17 for facilitating viewing the timepiece to the observer, see col. 2, line 60-65. However, one of ordinary skill in the art will recognize that platform 34 and member 17 may be made stationary or non-rotatable without rendering the device inoperative. The indication of time is performed by rotation of time scale 31 with respect to members 17, 37, and therefore the latter two members may be made to remain stationary and the device will continue to indicate time. This feature is further illustrated in the Fisk reference, where rotatable band 14 is arranged

on base 10, and a non-rotating platform 12, 18 is placed on top of the band. One skilled in the art having both reference would thus be taught that platform 34 with decorative object 37 (map) in Harrison may be made stationary relative to base 1, as shown in a similar device in Fisk with platform and decorative object 12, 18 (map) stationary relative to base 10, as an obvious means for reducing unnecessary components and movement therebetween.

3. With respect to the term "wristwatch", the claim fails to define specific structural features distinguishing the defined timepiece from Harrison device. Thus, one of ordinary skill in the art would be familiar with the practice of providing suitable means in a timepiece for attachment to a wrist to enable portability of such a device. It would thus be obvious for one skill in the art to provide means in the Harrison timepiece for attachment to a wrist to allow the user access to time information on demand.

4. Claims 20-22 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Fisk. The reference discloses base 10, motor mechanism 15 surrounded by rotatable band 14, and non-rotating platform and decorative object 18, 12.

5. The device is disclosed as a "time indicator" and appears to be a free standing clock. However, as noted above with respect to Harrison, It is conventional to provide means in a timekeeping device for attachment to a wrist. One of ordinary skill in the art

would thus be taught to provide means in Fisk for securing the device to a wrist to allow portable use of the device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VM
6/1/2004



Vit Miska
Primary Examiner